



November 8, 2010

Water Docket

EPA

Mail Code: 2822T

1200 Pennsylvania Avenue, NW

Washington, DC 20460

To whom it may concern:

The Maryland Association of Counties (MACo) represents all 23 Maryland Counties and Baltimore City. MACo recognizes the need to halt and reverse the ongoing deterioration of the Chesapeake Bay and its tributaries, but does have several concerns relating to the establishment of the Total Maximum Daily Load (TMDL) requirements for Maryland.

- *Need for Bay Model Refinement:* The Chesapeake Bay Phase 5 Watershed Model continues to show improvements and refinements over previous versions, but ultimately the Model is still limited, being subject to inaccuracies and “best guess” estimates. Given that the Model is still imperfect but that State and county governments are being asked to undertake precise nutrient reduction tracking, the Environmental Protection Agency (EPA) must commit to further refining the Model AND show some flexibility in allowing States and counties to present data and that may not be incorporated or accounted for by the Model. In short, the Model should not be the sole measure of data analysis.
- *Federal Funding Needed for County Governments:* The estimated costs of implementing the TMDL requirements and achieving the target loads are enormous. In Maryland, costs for potential stormwater retrofits alone could run in the billions. Even in prosperous times that figure would be daunting, but when the State’s local aid has been significantly reduced and counties are still feeling the effects of the recession, it becomes unattainable. Some counties anticipate having to double their planning staff. There is no way certain counties could raise taxes or fees to a level that would cover their anticipated TMDL costs. With federal legislation like Senator Cardin’s S. 1816 and its House counterpart H.R. 3852 moving slowly or stalled, counties need some assurance from EPA that federal funds will be forthcoming.
- *Technical Assistance Needed for County Governments:* In addition to the significant cost burdens imposed by the TMDL on local governments, there is also a need for technical assistance. Local governments, and in many instances the State, lack the scientific expertise necessary to fully comprehend the impacts of the many nutrient reduction strategies that will be proposed and implemented. Counties expect the private sector and even some in

the public sector to propose many new and innovative strategies for achieving the TMDL goals and they need help to analyze the effectiveness of these strategies and develop adequate tracking systems.

- *Extension of Phase II Watershed Implementation Plan (WIP) Deadlines:* The June 1, 2011 deadline for the draft Phase II WIP and November 1, 2011 deadline for the final Phase II WIP are not feasible. It has been difficult to complete a viable Phase I WIP in the short deadline provided, especially given the limited understanding of local expectations. The amount of work for Phase II, which will be the most critical and detailed of the three WIPs, is enormous.

Additionally, states and counties will be digesting updated allocation numbers that EPA will be releasing in the interim. Recognizing the significant practical challenges of creating a useful and accurate plan in the time provided, the State of Maryland has requested an extension of the deadline and MACo concurs. If the current deadline is kept, the final product will be inferior and fail to meet its required goals.

Sincerely,

A handwritten signature in black ink, reading "Leslie Knapp Jr" with a stylized flourish at the end.

Leslie Knapp, Jr.  
Associate Director